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MAY 25 2004

In re Application of
DuPhily
Application No. 10/016,101
Filed: October 31, 2001
Attorney Docket No. MicroD-02

OFFICE OF PETITIONS
ON PETITION

This decision concerns the January 28, 2004 petition under 37 CFR 1.137(a) which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

On January 24, 2002, a "Notice to File Corrected Application Papers" ("1/24/02 Notice") was mailed, stating that the application had been accorded a filing date, and requesting, *inter alia*, substitute drawings in compliance with the margins requirements of 37 CFR 1.84.¹ Applicant was given an extendable 2-month reply period. No response was filed on or before August 24, 2002, and no extension of time under 37 CFR 1.136(a) was obtained. The application became abandoned on March 25, 2002.

It appears from the instant petition that counsel is unaware of the 1/24/02 Notice. In fact, the Office discovered that the 1/24/02 Notice had been mailed to a wrong address.

In view of the above, the application should not have been held abandoned. The petition is thus granted. The holding of abandonment in this application is hereby withdrawn, and the December 10, 2003 Notice of Abandonment vacated.

No petition fee is owed. The \$55 submitted with the petition has been refunded.

The application file is being returned to the Office of Initial Patent Examination for re-mailing of the 1/24/02 Notice, and for mailing of a corrected Filing Receipt reflecting the correct domestic priority data.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

Attachment: 1/24/02 Notice (courtesy copy)

The notice also requested extra claims fees.